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FOR U/S BURNS, A/S FRIED, DS DICARLO, SE WISNER AN SE
AHTISAARI FROM AMBASADOR POLT

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SUBJECT: KOSOVO: ELGRADE PRESENTS NEGOTIATING PLATFORM

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Nations, on the other. The signatories to the Agreement are at the same time its guarantors.

(2) The obligations of the UN under the Agreement. In addition to its role as a guarantor of the Agreement, the United Nations would have specific duties and responsibilities, primarily in the security sector. The UN would maintain its military presence, and to some extent also its police presence in the province. The military presence of the UN presupposes the complete internal demilitarization of Kosovo and Metohija. The UN police would have a general supervisory role with respect to internal security.

(3) Other features of the General Agreement. After the General Agreement is signed, the Security Council of the UN would adopt a new Resolution on Kosovo and Metohija. This Resolution would replace Resolution 1244 and confirm the status affirmed in the Agreement. Annual reports to the UN Security Council on status implementation would be instituted, with the possibility of modifying the modalities of the UN military and police presence (the number of soldiers and policemen, their rules of engagement, etc.).

The Future Status of Kosovo and Metohija: Constitutional Framework

General Solution. The General Agreement contains both general principles and concrete provisions that need to be enshrined in the Constitution of the Republic of Serbia and the new Constitution of Kosovo and Metohija. The new constitution of the province would thus be based on the General Agreement, reaffirming the obligations it contains, particularly those concerning the rights of the Serbian and other non-Albanian communities, including decentralization and other relevant institutional guarantees.

Substantial Autonomy. The Constitution of the Republic of Serbia would contain the following provisions defining the

substantial autonomy of Kosovo and Metohija:

(a) Division of Competencies

- The province would exercise all competencies except those reserved for Serbia or the State Union of Serbia and Montenegro.

- The following competencies are reserved for either Serbia or the State Union, depending on the constitutional division of competencies between them: foreign policy, control of borders, monetary policy, customs policy, special customs inspections and control, final legal recourse in the protection of human rights, and the protection of Serbian religious and cultural heritage.

- Kosovo and Metohija would have full financial autonomy in the sense that the province would conduct its own public finances (taxation, public revenues and expenditures, including investment). The province could accordingly receive loans from international financial institutions and secure foreign direct investment.

- Certain forms of cooperation between Serbia and Kosovo and Metohija relating to the free movement of people, goods, capital and services would be constitutionally specified. Additional forms of cooperation would be established in sectors such as banking, the harmonization of fiscal policy, infrastructure, communications, etc. Such cooperation would contribute substantially to economic development and the process of European integration.

- Given the proposed division of competencies, the effective functioning of either the central or the provincial government does not require Kosovo and Metohija to be politically represented in the representative bodies of Serbia and the State Union (endnote 4).

- In the field of competencies reserved for Serbia or the State Union of Serbia and Montenegro, the Kosovo and Metohija authorities would have the right to give recommendations to the relevant institutions of central government.

(b) Institutions of Kosovo and Metohija

- The constitutional powers of Kosovo and Metohija would be exercised through legislative, executive and judicial institutions.

The Kosovo and Metohija parliament would be directly elected. A certain number of seats in the parliament would be reserved for the representatives of Serbs and other non-Albanian communities. When the parliament is considering matters that are of vital interest to the Serb community, including provincial legislation, no decision would be considered valid unless a majority of Serb representatives votes in its

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